

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIE COUNTY ENVIRONMENTAL
COALITION, PENNENVIRONMENT,
INC. and THE GAIA DEFENSE LEAGUE,
Plaintiffs

v.

MILLCREEK TOWNSHIP SEWER
AUTHORITY AND MILLCREEK
TOWNSHIP,
Defendants

CIVIL ACTION NO. 05-59 ERIE
ELECTRONICALLY FILED
JUDGE COHILL

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO
RESPOND TO PLAINTIFFS' CONCISE STATEMENT OF FACTS AND
APPENDIX IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

Defendants MILLCREEK TOWNSHIP SEWER AUTHORITY and MILLCREEK TOWNSHIP, by and through their attorneys, MacDonald, Illig, Jones & Britton LLP, file this Defendants' Motion for Extension of Time to Respond to Plaintiffs' Concise Statement of Facts and Appendix in Support of Its Motion for Summary Judgment, and states the following in support thereof:

1. On February 19, 2008 this Honorable Court issued an Order which, inter alia, granted Plaintiffs Motion for Leave to Amend Its Motion for Summary Judgment By Filing Appendix and Filing an Amended Concise Statement of Material Facts filed on April 21, 2006 and directing Plaintiff to file any documents not already filed by March 1, 2008.

2. The February 19, 2008 Order also directed any party filing a response to do so by March 14, 2008.

3. On March 6, 2008, this Honorable Court issued an Order which granted Plaintiffs' March 5, 2006 Motion for Leave to File Out of Time its Concise Statement of Material Facts and Appendix in Support of its Motion for Summary Judgment.

4. One of Defendants Affiants was out of town on vacation for the beginning of March and only returned on March 11, 2008.

5. Counsel for Defendants have several prior obligations out of town this week and next week, and next week is shortened by the Good Friday holiday.

6. Counsel for Defendants wish to file a Second Motion to Supplement Defendant's Motion for Summary Judgment and Defendants' Response to Plaintiffs' Motion for Summary Judgment to update the record in this matter to reflect activities that have occurred in the 13 months since Defendants previous Motion to Supplement Defendant's Motion for Summary Judgment and Defendants' Response to Plaintiffs' Motion for Summary Judgment was submitted in February of 2007.

7. Counsel for Defendants request an extension to March 31, 2008 of the aforementioned March 14, 2008 deadline for responsive pleadings contained in the Courts February 19, 2008 Order to submit the above-described supplementary information to the extent it is considered a responsive pleading.

8. The filing of Defendants supplementary pleading by March 31, 2008 will not prejudice Plaintiffs and will provide the Court with valuable information on the current status of Defendants' sewer system infrastructure and operations.

WHEREFORE, Defendants Millcreek Township Sewer Authority and Millcreek Township respectfully request that this Court grant Defendants Motion for Extension of Time to Respond to Plaintiffs' Concise Statement of Facts and Appendix in Support of Its Motion for Summary Judgment.

Respectfully submitted,

s / Mark J. Shaw

Mark J. Shaw

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Attorneys for Defendants

Millcreek Township Sewer Authority

and Millcreek Township

Dated: March 13, 2008

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CERTIFICATE OF SERVICE

I hereby certify that I filed the forgoing Motion for Extension of Time to Respond to Plaintiffs' Concise Statement of Material Facts and Appendix in Support of its Motion for Summary Judgment by electronic means utilizing the Court's CM/ECF system that will serve notice of electronic filing to Michael D. Fiorentino, Esq., Mid-Atlantic Environmental Law Center, Attorney for Plaintiffs on this 13th day of March, 2008

s/ Mark J. Shaw

Mark J. Shaw